IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR
&
THE HONOURABLE MR. JUSTICE T.R.RAMACHANDRAN NAIR

WEDNESDAY, THE 5TH SEPTEMBER 2007 / 14TH BHADRA 1929

WP(C).No. 6748 of 2007(C)

PETITIONER:

UNNEEN, S/O. MOIDU,
THEKKUMPURATH KALATHIL HOUSE, MANNARMALA (P.O)
PERINTHALMANNA, MALAPPURAM DISTRICT.

BY ADV. SRI.K.MOHANAKANNAN
SMT.A.R.PRAVITHA

RESPONDENTS:
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1. SUB INSPECTOR OF POLICE,
SHOLAYUR, ATTAPPADY.

2. RAJAN @ PERIYAKANNU,
S/O. KRISHNASWAMY GOUNDER, VELLAKULAM,VECHAPATHY,
SHOLAYUR (P.O), ATTAPPADY, MANNARKKAD TALUK,
PALAKKAD DISTRICT.

BY ADV. SRI.RAJESH NAMBIAR-R2
GOVT. PLEADER SRI.P.A.SALIM - R1

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 05/09/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX (WPC 6748/07)

PETITIONER'S EXTS.

EXT.P1 - TRUE COPY OF SALE DEED NO.17/06 DT.5.1.2006 OF SRO, AGALY.

EXT.P2 - TRUE COPY OF SALE DEED NO.19/06 DT.5.1.2006 OF SRO, AGALY.

EXT.P3 - TRUE COPY OF SALE DEED NO.24/06 DT. 6.1.2006 OF SRO, AGALY.

EXT.P4 - TRUE COPIES OF BASIC TAX RECEIPTS DATED 23.5.06 ISSUED TO THE PETITIONER.

EXT.P5 - TRUE COPY OF POSSESSION CERTIFICATE ISSUED TO THE PETITIONER ON 30.1.07 BY THE VILLAGE OFFICER, KOTTATHARA.

EXT.P6 - TRUE COPY OF POSSESSION CERTIFICATE ISSUED TO THE PETITIONER'S BROTHER ON 30.1.07 BY THE VILLAGE OFFICER, KOTTATHARA.

EXT.P7 - TRUE COPY OF THE COMPLAINT FILED BY THE PETITIONERS BEFORE THE 1ST RESPONDENT DATED 19.2.07.

EXT.P8 - TRUE COPY OF RECEIPT NO.30/Q2/07 DT. 19.2.07 ISSUED TO THE PETITIONERS BY THE 1ST RESPONDENT.

/TRUE COPY/

K.BALAKRISHNAN NAIR &

T.R.RAMACHANDRAN NAIR, JJ.

W.P.(C) NO. 6748 OF 2007-C

Dated 5th September, 2007.

JUDGMENT

Balakrishnan Nair, J.

The petitioner along with his brother purchased certain items of property in Sholayur Panchayat, as per Exts.P1 to P3 sale deeds. He submits, mutation has been carried out and basic tax has been paid. He has got possession certificate also from the Village Officer. But, when the petitioner and his workmen started doing agricultural operations in the land, the 2nd respondent and his supporters started causing obstruction. So, he filed Ext.P7 representation before the police, claiming police protection. Thereafter, this writ petition is filed, seeking adequate and effective police protection to the petitioner and his property covered by Exts.P1 to P3.

2. The learned Government Pleader, upon instructions, submitted that the 2nd respondent has staked claim over the very same property in the possession of the petitioner. So, the police advised the parties to measure the property and try to resolve the dispute.

3. We are of the view that the dispute between the petitioner and the

2nd respondent is a civil dispute, which cannot be resolved by the police. Only the competent civil court can do that. Since in this jurisdiction we are concerned only with the failure from the part of the police to perform their duty, we find nothing illegal if the police do not extend their helping hand to one side or the other. In the result, we feel that we should not issue any direction to the 1st respondent to render protection to the property of the petitioner. For that he has to move the civil court and obtain appropriate orders. If there is any threat of physical harm to the petitioner, he may alert the 1st respondent about the same. In that event, the 1st respondent will look into the matter and take necessary action, if the apprehension of the petitioner is found true.

The Writ Petition is disposed of as above.

K.BALAKRISHNAN NAIR, JUDGE.

T.R.RAMACHANDRAN NAIR, JUDGE.

Nm/